

V6413  
2.B35  
1983

# **South Carolina State Benefits**

**South Carolina Department  
of Veterans Affairs**

**JULY 1, 1983**

## TABLE OF CONTENTS

	Page
Board of Commissioners . . . . .	2
Directory of State Office . . . . .	2
Organizational Chart . . . . .	3
Directory of County Offices . . . . .	4-6
List of Laws . . . . .	7
Conclusion . . . . .	18
Bonus . . . . .	18

S. C. STATE LIBRARY

OCT 26 1983

STATE DOCUMENTS

**BOARD OF COMMISSIONERS**

**CHAIRMAN**

Governor of South Carolina

Attorney General  
of South Carolina

Adjutant General  
of South Carolina

**DIRECTORY OF STATE OFFICE**

Location: 1205 Pendleton Street, Columbia, S.C. 29201

Telephone No.: 758-2607

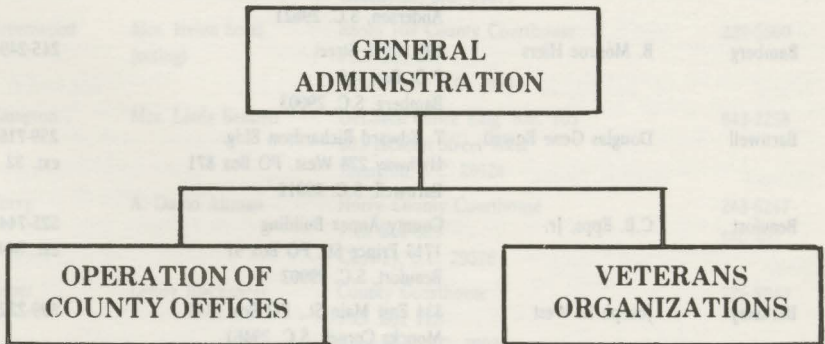
VA Regional Office: 765-5104

VA Medical Center: 776-4000, ext. 700

**DIRECTOR**

Hoyt B. Hill, Jr.

## ORGANIZATIONAL CHART



## Directory Of County Offices

COUNTY	OFFICER	LOCATION	TEL. NO.
Abbeville	Charlie Murdock	Room 205, County Courthouse Abbeville, S.C. 29620	459-2608
Aiken	Wayne Lethgo	828 Richland Ave., West Aiken, S.C. 29801	649-3481 ext. 190
Allendale	George Kearse	703 Pine St., P.O. Box 521 Allendale, S.C. 29810	584-2942
Anderson	Allen Thomas	Anderson County Office Bldg. 107 S. Main St., Suite 110 Anderson, S.C. 29621	224-3901
Bamberg	B. Monroe Hiers	109 North Street P.O. Box 416 Bamberg, S.C. 29003	245-2494
Barnwell	Douglas Gene Rowell	T. Edward Richardson Bldg. Highway 278 West, PO Box 871 Barnwell, S.C. 29812	259-7161 ext. 32
Beaufort	C.B. Epps, Jr.	County Annex Building 1713 Prince St., PO Box 97 Beaufort, S.C. 29902	525-7448 ext. 344
Berkeley	Joseph R. West	334 East Main St., PO Box 1241 Moncks Corner, S.C. 29461	899-2222
Calhoun	Robert C. Weaver	117 Liberty St. St. Matthews, S.C. 29135	874-3816
Charleston	Thomas Johnson	Room 322-The Center Charleston, S.C. 29403	724-6721
Cherokee	Clarence L. Byars	County Courthouse Gaffney, S.C. 29340	489-5172
Chester	J.B. Cranford	War Memorial Bldg. PO Box 957 Chester, S.C. 29706	385-6157
Chesterfield	Edwin Davis	101 Park Dr. Chesterfield, S.C. 29709	623-2482
Clarendon	Harold DuPree	14 Church St. Manning, S.C. 29102	435-2527
Colleton	James H. Platt	Agriculture Bldg., PO Box 627 Walterboro, S.C. 29488	549-1412
Darlington	Clarence Jordan	County Courthouse Darlington, S.C. 29532	393-1051
Dillon	George M. Pullie	City-County Office Bldg. P.O. Box 493 Dillon, S.C. 29536	774-4133
Dorchester	George W. Thomas	County Courthouse, PO Box 661 St. George, S.C. 29477	563-2331 ext. 216
Edgefield	Mrs. Betty Sexton	400 Church St., PO Box 5 Edgefield, S.C. 29824	637-3224

COUNTY	OFFICER	LOCATION	TEL. NO.
Fairfield	Charles A. Medlin	117 E. Washington St. P.O. Box 456 Winnsboro, S.C. 29180	635-4131
Florence	Mrs. Etta Jailette	City-County Complex Box T Florence, S.C. 29501	665-3045 or 665-3221
Georgetown	Arthur Joseph	County Office Bldg. P.O. Box 306 Georgetown, S.C. 29442	546-7734
Greenville	J.R. Dryman	1200 Pendleton St. Greenville, S.C. 29611	298-8698
Greenwood	Mrs. Helen Scott (acting)	Room 108 County Courthouse P.O. Box 441 Greenwood, S.C. 29646	229-5500
Hampton	Mrs. Leola Bennett	DeLoach Office Bldg. Rm. 105 201 Jackson Street West Hampton, S.C. 29924	943-2258
Horry	A. David Altman	Horry County Courthouse P.O. Box 385 Conway, S.C. 29526	248-6247 ext. 291
Jasper	LeRoy Blackshear	County Courthouse P.O. Box 112 Ridgeland, S.C. 29936	726-8940
Kershaw	Harold Truesdale	County Courthouse, Room 225 P.O. Box 691 Camden, S.C. 29020	432-4096
Lancaster	Wade H. Hayes	107 West Dunlap St. P.O. Box 282 Lancaster, S.C. 29720	283-2469
Laurens	Charles Knight	Courthouse Annex, W. Main St. P.O. Box 193 Laurens, S.C. 29360	984-4041
Lee	James F. Sellers, Jr.	105 Courthouse Square P.O. Box 461 Bishopville, S.C. 29010	484-5341 254
Lexington	Robert S. Powell	Memorial Bldg. 219 E. Main St. Lexington, S.C. 29072	359-4225
McCormick	T.C. Faulkner, Jr.	County Office Bldg. P.O. Box 247 McCormick, S.C. 29835	465-2212
Marion	Joe S. Lane, Sr.	100 West Court St. P.O. Box 757 Marion, S.C. 29571	423-6732 or 423-4671
Marlboro	Frank S. Ward	County Courthouse P.O. Box 401 Bennettsville, S.C. 29512	479-2651



COUNTY	OFFICER	LOCATION	PHONE NO.
Newberry	Allen W. Morrison	1306 Hunt St. P.O. Box 217 Newberry, S.C. 29108	276-3233
Marlboro	Frank S. Ward	County Courthouse P.O. Box 401 Bennettsville, S.C. 29512	479-2651
Newberry	Allen Morrison	1306 Hunt St. P.O. Box 217 Newberry, S.C. 29108	276-3233
Oconee	Harrison Orr	Law Enforcement Center South Church St. Walhalla, S.C. 29691	638-2214
Orangeburg	John E. Rivers	County Courthouse, PO Box 718 Orangeburg, S.C. 29115	533-1000 ext. 250
Pickens	C. Carl Pilgrim	Old County Health Building P.O. Box 451 Pickens, S.C. 29671	878-4778 or 878-4779
Richland	David N. Denton	1701 Main St., Suite 409 P.O. Box 192 Columbia, S.C. 29202	748-4662
Saluda	Cecil C. Riddle	124 S. Rudolph St. P.O. Box 307 Saluda, S.C. 29138	445-2184
Spartanburg	M. Frank Edwards	Room 159, County Courthouse Spartanburg, S.C. 29301	596-2553
Sumter	Harold S. Iseman	Room 100 Country Courthouse Sumter, S.C. 29150	773-1581 ext. 230
Union	Robert T. Eubanks	County Courthouse Union, S.C. 29379	427-3462
Williamsburg	W.J. Small, Jr.	Office#6, Courthouse Square P.O. Box 565 Kingstree, S.C. 29556	354-6352
York	Earle B. Gregory	National Bank Bldg. P.O. Box 11114 Rock Hill, S.C. 29730	327-2956

## DEPARTMENT OF VETERANS AFFAIRS AND COUNTY VETERANS AFFAIRS OFFICERS

Sections 25-11-10 to 25-11-60 of the 1976 Code: These sections provide for the Department of Veterans Affairs for the purpose "of assisting all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting and prosecuting to final determination all claims which they have for money compensation, hospitalization, training and insurance benefits under the terms of federal legislation relative thereto".

The Department operates under a Commission composed of the Governor as Chairman; the Adjutant General; and the Attorney General for legal advice.

Additionally, there is a County Veterans Affairs Officer in each of the forty-six counties in South Carolina and restating the purpose as amended, "to insure a stablization and coordination of the service work for and in behalf of the war veterans and ex-servicemen and women of South Carolina, in order that they may be guaranteed the maximum benefits granted by laws enacted by the National Congress".

The services rendered by the Department of Veterans Affairs and the County Veterans Affairs Officers are extended to eligible dependents, including parents, widows, children and orphans, of war veterans and ex-servicemen and women. The primary function of the Department of Veterans Affairs and the majority of time is spent in working with and supervising our forty-six County Veterans Affairs Officers in helping them with individual cases in their respective counties.

Other major functions performed by the South Carolina Department of Veterans Affairs in accordance with the law are as follows: (1) Assist individual veterans directly or their families and survivors in filing claims for monetary and other benefits to which they may be eligible and to prosecute to final determination all such claims; (2) Represent veterans before the VA Rating Boards and the Board of Appeals; (3) Publish timely informational bulletins on technical rules and regulations relating to benefits; (4) Assist and cooperate with all veterans organizations in their work; (5) Conduct Veterans Affairs Officers Schools to instruct in veterans benefits; and (6) Maintain complete files on all veterans whom we assist.

Additional major functions of this Agency are: (1) Assist similar agencies in other states in securing evidence needed in the development of claims; (2) Assist veterans insofar as possible in securing Social Security, welfare and related benefits; (3) Assist legislators and others in appropriate veterans legislation; (4) Assist survivors or morticians in securing burial benefits; (5) Assist all public officials in aiding constituents on veterans affairs; (6) Perform a humanitarian service in counseling disabled veterans, veterans' widows, dependent parents and orphans in complete realization of veterans benefits as they best apply in individual cases; and (7) Assist veterans in filing applications for review of discharges and in obtaining disability retirement or an increase in disability retirement.



## **VETERANS PREFERENCE**

Sections 1-1-550 of the Code: Provides that honorably discharged members of the United States Armed Forces who are given employment preference by the United States Government, now and hereafter, shall be given preference for appointment and employment in every public department and upon all public works in South Carolina insofar as such preference may be practicable.

## **EDUCATION ASSISTANCE (FREE TUITION FOR CERTAIN VETERANS' CHILDREN)**

Section 59-111-20 of the 1976 Code: This section provides for free tuition to the children of certain war veterans in our South Carolina state supported colleges and universities (The University of South Carolina and all of its regional campuses, Clemson University, Winthrop College, South Carolina State College, The Citadel, The Medical University of South Carolina, The College of Charleston, Francis Marion College and Lander College), as well as post high school technical education institutions that are state supported.

Eligibility: Children of veterans of all wars (defined in Section 101 of Title 38 USC) who were bonafide and legal residents of South Carolina at time of entry into military-naval service and during service, or who have been a resident of this State for at least eighteen years, who (1) were killed in action; (2) died from other causes while in service; (3) died of disease or disability resulting from service; (4) was a prisoner of war as defined by Congress or Presidential Proclamation during such war period (veteran-parent not required to be currently residing in South Carolina); (5) is permanently and totally disabled as rated by the Veterans Administration from any cause, service connected or non service connected (veteran-parent required to be currently residing in South Carolina); (6) is currently missing in action; (7) children of persons awarded the Medal of Honor; and (8) eligibility under (4) and (5) above while veteran-parent was living continues eligibility upon veteran-parent's demise.

Eligibility generally terminates upon the child's 26th birthday, but certain exceptions are granted up to an absolute maximum of the 31st birthday (the same extension criteria utilized for Dependents Education Assistance for children—Chapter 35, Title 38 USC). The benefit may be terminated at any time by the school officials for misconduct or work that is unsatisfactory.

Assistance is in effect a waiver of the pure tuition costs only, as funds are not appropriated by the Legislature for this program but must be absorbed by the individual institutions. Payments will be required from the resources of the parents or child for room and board, certain fees, books, etc.

Information and applications may be obtained from the South Carolina

Department of Veterans Affairs, 1205 Pendleton Street, Columbia, S. C., or any of the 46 County Veterans Affairs Officers in South Carolina. Completed applications should be forwarded to South Carolina Department of Veterans Affairs for final action.

## **FREE HUNTING AND FISHING LICENSE**

Section 50-9-820 of the 1976 Code: When the Veterans Administration, the S. C. Department of Veterans Affairs, or a County Veterans Affairs Officer, issues a certificate that the individual veteran named thereon is permanently and totally disabled, such certification shall be deemed to be a hunting and fishing license or permit for such individual veteran in lieu of any and all other permits or licenses issued by the State or any county in South Carolina.

## **STATE WAR VETERANS HOME**

Section 44-11-30 and 44-11-40 of the 1976 Code: These sections provide for the establishment of a South Carolina State War Veterans Home which is located on the grounds of the South Carolina Department of Mental Health. The purpose of this Home is to provide treatment for South Carolina war veterans who are mentally ill and it is named the "E. Roy Stone, Jr. State War Veterans Pavilion".

Admission to the "E. Roy Stone, Jr. State War Veterans Pavilion" is limited to war veterans who are regularly admitted to the South Carolina Hospital and those persons can subsequently be transferred to the State War Veterans Home.

For the purpose of these two sections of the South Carolina Code of Laws, the definition of a "South Carolina War Veteran" means any ex-service South Carolina citizen who has discharged under other than dishonorable conditions and who served in any branch of the Military or Naval service of the United States during a war period as defined in Title 38 of the United States Code.

## **FREE MARRIAGE, BIRTH, DEATH AND DIVORCE RECORDS**

Section 44-63-110 of the 1976 Code: This section provides for the furnishing of marriage, birth, death and divorce records without cost when such is required by the Veterans Administration, to the S. C. Department of Veterans Affairs or any County Veterans Affairs Officer.



## PENSION OR RETIREMENT INCOME

Income Tax Rule 82: That *portion* of retirement income received by retired service personnel, residents of this State, than can be attributed to time served in the National Guard or Reserve components of the Armed Forces of the United States, is not taxable.

The non-taxable portion is determined by using a ratio of the time actually served in the National Guard or Reserve to the total time spent in active military service, times total yearly retirement.

### PENSION FOR MEMBERS OF THE NATIONAL GUARD OF SOUTH CAROLINA

Section 25-1-3210 of the 1976 Code: Every member of the National Guard of South Carolina who meets the requirements hereinafter set forth shall receive, commencing at age sixty, a pension of fifty dollars per month for twenty years creditable military service with an additional five dollars per month for each additional year of such service; provided, however, that the total pension shall not exceed one hundred dollars per month. A member must have served twenty years creditable military service, including National Guard, Reserve and Active Duty with at least fifteen of these years as a member of the S. C. National Guard and the last ten years immediately prior to retirement shall have been in the S. C. National Guard with an honorable discharge from the S. C. National Guard.

Section 25-1-3220 of the 1976 Code: The above payments will cease at the death of the individual and no payment will be made to beneficiaries. No individual receiving retired pay or disability retirement from any of the regular components of the Armed Forces will be eligible for benefits under this section.

Section 25-1-3230 of the 1976 Code: This benefit in no way affects the benefits an individual may be entitled to from State, Federal, or private retirement system. This benefit is exempt from South Carolina income tax.

Section 25-1-3240 of the 1976 Code: The provisions of this article shall be administered by the Adjutant General of the State of South Carolina.

The provisions of this Law shall apply only to members of the S. C. National Guard serving, on July 1, 1975, except that any person who has fully qualified for the pension and is involuntarily separated from the S. C. National Guard for reason other than misconduct between the date of ratification of this Act and July 1, 1975, shall be eligible for the pension commencing at age sixty of July 1, 1975, whichever is later.

### FREE AUTOMOBILE LICENSE TAGS

Section 56-3-1110 of the 1976 Code: This section provides for the issuance of a free license tag (V tag) by the South Carolina Highway Depart-

ment to "Any wartime disabled veteran who is entitled to compensation for the loss, or loss of use of one or both legs or arms, or the permanent impairment of vision in both eyes to a degree as to constitute virtual blindness and is also entitled to a special monthly statutory award by reason thereof."

Further, Section 56-3-1110 was amended by the 1976 session of the General Assembly to provide for free license tags to "Any wartime disabled veteran who has been classified as totally and permanently disabled due to service connected disabilities as determined from medical records on file with the Veterans Administration."

Application for registration and license of the vehicle must be mailed to the South Carolina Highway Department, Motor Vehicle Division, P. O. Box 1498, Columbia, South Carolina, along with a letter from the Veterans Administration attesting to the fact that the veteran is receiving a statutory award for the loss, or loss of use of one or both legs or arms, or that he is blind, or that he is permanently and totally disabled from service connected disabilities.

Further, the 1976 session of the General Assembly enacted legislation as follows: "Disabled veterans shall be exempt from the payment of municipal parking meter fees when their vehicles bear a disabled veteran's license plate (V-tag) issued by the State Highway Department." The license plate shall be permanent so long as the eligible veteran owns the vehicle for which the plate is issued.

## **REEMPLOYMENT RIGHTS**

Section 8-7-20 of the 1976 Code: Every employee of the State of South Carolina or any political subdivision thereof who, on or after June 25, 1950, has been, or shall be, commissioned, enlisted or selected for service in the Armed Forces of the United States shall, so long as the requirements and regulations of the Armed Forces shall prevent his return to his civil employment and for a period of ninety days thereafter, but in no event for a period longer than five years from the date of his entry into the Armed Forces of the United States, be entitled to leave of absence from his duties as an employee of the State of South Carolina or any political subdivision thereof, without loss of seniority or efficiency or register rating. The work "employee" as used herein shall not be construed to mean an officer or official elected or appointed to a term pursuant to a statute or the Constitution of the State of South Carolina.

## **RECORDING OF DISCHARGES**

Section 30-15-10 and 30-15-20 of the 1976 Code: This section provides for the recording of a veterans discharge without cost by the Clerk of Court of each county in a special and permanent book. A copy of the recorded discharge can be obtained upon request.



## **CREDIT ON STATE RETIREMENT FOR MILITARY SERVICE**

Section 9-1-1140 of the 1976 Code: A person leaving employment with the State of South Carolina for military duty can continue to remain under the State Retirement Program but such serviceman must continue to pay State Retirement on the State salary he was receiving when he left State Service while he is on active duty with the Armed Forces of the United States.

An employee of the State of South Carolina with two or more years of credited service with the S. C. Retirement System shall receive credit for military service toward State Retirement at the rate of one year of military service for every two years of State service not to exceed credit for six years of military service. This is provided that the discharge or separation from military service is under conditions other than dishonorable and provided that the member shall pay to the Retirement System all payments he would have been required to make for the period to be so credited had he been employed in the position he held immediately prior to the commencement of his military leave during the period of such military service, together with the regular interest which would have been credited thereon.

If military service was rendered prior to State employment such payments shall be determined on the basis of his earnable compensation at the time he first became a member of the Retirement System. Active Federal military service performed on or after July 1, 1974, cannot be credited into the system.

## **PRESENTATION OF THE STATE FLAG TO FAMILIES OF DECEASED MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD**

Section 25-1-110 of the 1976 Code: The State Adjutant General's office shall present to the family of each deceased member of the South Carolina National Guard a flag of the State of South Carolina, appropriate for use as a burial flag, upon application of a member of the family of the deceased guardsman.

The Adjutant General shall prepare and furnish necessary application forms to the clerks of the court in the several counties of the State. Such application forms shall require such information as the Adjutant General deems necessary to determine the eligibility of the deceased for the flag.

This shall apply to any individual who has served at least one year in the South Carolina National Guard, and who at the time of death was either an active, honorable discharged or retired member thereof.

## **EXEMPTION OF VETERANS ADMINISTRATION PAYMENTS**

The State of South Carolina recognizes the Federal statute exempting payment of all taxes on educational assistance benefits and other benefits paid by the Veterans Administration.



## **INCOME TAX EXEMPTION ON RETIREMENT PAY**

Section 12-7-310 (10) of the 1976 Code: Any person retired from the uniformed services of the United States with twenty or more years active duty service shall be allowed an exemption from S. C. State Income Tax of \$1,200 on his uniformed services retirement pay. Further, Section 12-7-310 provides for non-payment of taxes on the cost to participate in the Survivors Benefit Plan by any person retired from the armed forces.

## **ACTIVE DUTY MILITARY PAY**

Section 12-7-320 of the 1976 Code: In computing the income tax of persons who are in active service as members of the Armed Forces of the United States, the Commission shall allow the same exclusions from income as one allowed by Sections 112 and 692 of the Internal Revenue Code.

## **ADMISSIONS TAX EXEMPTION**

Section 12-21-2420 (2) of the 1976 Code: Provides for the exemption of admissions taxes to athletic contests in which a junior American Legion athletic team is a participant unless the proceeds inure to any individual or player in the form of salary or otherwise.

## **TAXES EXEMPT FOR CERTAIN MOTOR VEHICLES**

Section 12-37-220 (7) of the 1976 Code: This section provides that all personal motor vehicles owned by any disabled veteran for which special license tags have been issued by the Highway Department under Section 56-3-1110 shall be exempt from state, county, and municipal taxes.

## **SPECIALLY ADAPTED HOUSING**

Section 12-37-220 (6) of the 1976 Code: This section provides for the exemption of taxes on any real estate, including residence thereon, acquired wholly or in part through financial assistance authorized by Section 801, Title 38, U. S. Code, so long as such property is owned and occupied by the person who acquired possession and title thereof under said Act or, upon his death by the widow, child or children or dependent parents of such person; but this exemption shall extend only to state, county, and municipal taxes.

A veteran having service connection for loss, or loss of use of lower extremities requiring braces, crutches, or a wheel chair for locomotion, will

qualify for Specially Adapted Housing under Title 38, Section 801, U. S. Code, as will blinded veterans if they also have loss of use of a lower extremity.

## **TAX EXEMPT STATUS FOR VETERANS ORGANIZATIONS**

Section 12-37-220 (B) (1) of the 1976 Code as amended: All property of National Veterans Organizations chartered by the National Congress whether belonging to the Department or to any of the Posts in the State, when used exclusively for the purposes of such organizations and not used for any purpose other than club rooms, meeting places or other activities directly in keeping with the policies stated in the National Constitution of such organization shall be exempt from real property taxation.

## **TAX EXEMPTION FOR COMPENSATION, PENSION, AND DISABILITY RETIREMENT PAY**

Section 12-37-220 (29) of the 1976 Code: Provides that all veterans receiving pension, compensation or disability retirement pay from the Armed Forces, shall be exempt from taxation by the State of South Carolina on the above mentioned payments.

## **PROPERTY TAX EXEMPTION**

Section 12-37-220 (B) (1) of the 1976 Code: Provides for the exemption of all taxes to a one hundred percent permanently and totally disabled veteran from a service connected disability on one house and lot not to exceed one acre provided such veteran resides in the house. Such veteran shall file a certificate signed by the County Veterans Affairs Officer with the S. C. Tax Commission certifying as to such permanent and total disability. The exemption shall be allowed to the widow of any such veteran as long as she remains unmarried and resides in the exempt house. Joint ownership is permitted under the Act.

## **FREE LICENSING OF VEHICLES FOR CERTAIN POW'S (Act approved April 4, 1978, July 16, 1979 and August 27, 1981)**

Notwithstanding any other provision of law, any member or former member of the armed forces who was a prisoner of war (POW) in World War I, World War II, the Korean Conflict or the Vietnam Conflict who is a legal, resident of this State may make application for registration and licensing of his personal motor vehicle or truck, not exceeding three-quarter ton, to the

South Carolina Department of Highways and Public Transportation (department) without accompanying such application with the usual fee for registration and licensing of a vehicle of similar type. The department shall issue such license plates or the revalidation sticker upon receipt of such application made under oath and in such form as may be required by the department. The provisions of this section shall not apply if such POW applies for special personalized motor vehicle license plates.

"Any veteran who is issued a license plate under the provisions of this section shall not be required to reapply so long as he owns the vehicle for which the plate is issued. The plates shall bear the words 'South Carolina', the number and a prefix 'POW'."

## **RULES BY STATE TAX COMMISSION RELATING TO ACTIVE DUTY PAY**

Sections 221 and 251: Set forth below are rules adopted by the South Carolina Tax Commission relating to Active Duty Military Pay.

1. *Military pay in general*: Under the provisions of Section 221 and 251 of the Income Tax Act, military pay is reportable for South Carolina income tax purposes.

2. *Nonresident armed services personnel*: Under the Soldiers' and Sailors' Civil Relief Act, members of the armed services, who are legal residents of other States stationed within South Carolina by virtue of military orders, are not subject to South Carolina income tax on their service pay. They are, however, subject to tax on any other income earned in South Carolina which would be taxable to a nonresident. Income earned in South Carolina by wives of servicemen is taxable to South Carolina.

The personal exemptions and deductions of a nonresidential serviceman's wife must be prorated in ratio to her adjusted gross income within this State to her entire adjusted gross income wherever earned. She would not be entitled to claim exemptions for dependents unless she could prove that she furnished more than fifty percent of their support for the entire year.

There is nothing in the Soldiers' and Sailors' Civil Relief Act or in the South Carolina statutes which would prevent a serviceman from changing his legal residence. To affect a change of legal residence, however, there must not only be an intention of making the new location the domicile of the serviceman, but also there must be the factual establishment of a domicile in the new location.

The establishment of a permanent residence (or domicile) in a new State ordinarily requires physical presence of the person in the State long enough to establish evidence of having taken up residence in the



State. Some of the tests or factors to consider in determining such permanent residence (or domicile) include the following:

- (a) Place of birth.
- (b) Permanent residence of father.
- (c) Family connections, close friends.
- (d) Address given for military purpose.
- (e) Payment of State bonus (in most cases when a State pays a bonus to a serviceman, the serviceman must be a permanent resident to be eligible).
- (f) Civic ties, church membership, club or lodge membership.
- (g) Bank account or business connections.
- (h) Payment of State income taxes - this is almost conclusive evidence of permanent residence.
- (i) Continuous car registration and driver's license.
- (j) Listing of "legal" or "permanent" address on Federal tax returns.
- (k) Voting by absentee ballot - one of the best tests to determine permanent residence.
- (l) Occasional visits or spending one's leave "at home".
- (m) Ownership of a home.
- (n) Execution of approved certificates or other statements indicating permanent residence.
- (o) Expression of intention.

Our administration policy is in accord with the military services and the courts, including Federal Courts, which, when arbitrating disputes over residency, have consistently held that a legal residence (or domicile) is not abandoned until a definite residence is established elsewhere.

3. *Resident armed services personnel:* For the purpose of reporting military income to South Carolina, the word "resident" means an individual who is a legal resident of this State, whether stationed in this State or in some other State or country. Unless he submits evidence that he has established legal residence in another State or territory and abandoned any domicile in this State, an individual will be presumed to be a resident of South Carolina if he entered military service while a resident of this State. As a resident, such individual will be required to report income from all sources to South Carolina.

The following may be used as a guide to determine the income tax liability of those servicemen determined to be South Carolina residents:

- (a) *Taxable service income:* Taxable service income includes base pay, longevity pay, flight pay, foreign service pay, submarine pay, jump pay, and re-enlistment pay bonus.
- (b) *Exempt service income:* Income not taxable to servicemen includes enlisted men's subsistence and quarters allowances, officers' subsistence and quarters allowances, family allowances under Servicemen's Dependency Allowance Act, voluntary allotments.

- (c) *Allowable deductions:* Deductions may be claimed by servicemen for insignia, swords, excessive cost of caps (for naval commanders, army and air force colonels, and officers of higher rank), and cost of altering uniforms necessitated by change in rank. (The expenses for which a deduction is allowed are only those expenses actually paid for which no reimbursement is received. The cost of uniforms and cleaning of same is not allowed to members of the Armed Forces on full-time duty on the basis that the uniform replaces ordinary street clothes and as such is a personal expense.
- (d) *Non-deductible items:* In the case of individuals on fulltime duty, no deduction is allowed for such items as uniforms, fatigues, laundering or cleaning, ordinary tailoring of uniforms, or cost of moving from post to post.

## **PROPERTY TAXES - TOTALLY DISABLED PERSONS**

Section 12-37-220 (9) of the 1976 Code: All Persons, including veterans, who have been declared permanently and totally disabled by the Social Security Administration, Veterans Administration, or other state or federal agency, are eligible for a homestead exemption in an amount set by the General Assembly. This also applies to all persons over age 65. For further information, please contact your County Veterans Affairs Officer of the Department of Veterans Affairs, 1205 Pendleton Street, Columbia, South Carolina 29201.

## **SPECIAL LICENSE PLATES - MEDAL OF HONOR**

Section 56-3-1850 provides for a distinctive permanent license plate for any resident of South Carolina who is a recipient of the medal of honor of use on a private vehicle registered in the recipient's name without fee. No recipient shall receive a plate for more than one vehicle.

**SECTION 1.** Section 12-37-220 of the 1976 Code,

"All personal motor vehicles owned by recipients of the Medal of Honor for which special license tags have been issued by the Department of Highways and Public Transportation under the provisions of Article 16 of Chapter 3 of Title 56 shall be exempt from state, county and municipal taxes."

(Approved March 5, 1982.)

"Section 56-3-1855. Any person who has been issued a license plate under the provisions of Section 56-3-1850 is allowed to park in metered or timed parking places without being subject to parking fees or fines. This section has no application to those areas or during those times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for



special types of vehicles. As a condition to this privilege, a vehicle must display a distinguishing license plate which is issued by the department for the vehicles registered to recipients of the Medal of Honor."

(Approved June 1, 1983)

## STATE PARKS - TOTALLY DISABLED PERSONS

Section 1. Section 51-3-60 of the 1976 Code, as amended by Act 127 of 1979, is further amended by adding at the end:

"Notwithstanding the above provisions of this section, any South Carolina resident who is a veteran and who has been classified by the Veterans Administration as permanently and totally disabled may also enter any state park without charge upon presentation to the person in charge of the park a certificate from the Veterans Administration certifying the veteran's permanent and total disability."

## CONCLUSION

The State of South Carolina has one of the best set-ups for serving veterans of any state in the nation, and our program has been copied by many other states.

At this time, we have in our Agency more than 45,000 files on living and deceased veterans and those files represent a lot of hard work over the years by all who have been connected with this office.

The number of veterans assisted by this Agency and their survivors are rapidly increasing as daily inquiries are received from our County Veterans Affairs Officers and others over the state regarding various claims and other benefits.

The South Carolina Department of Veterans Affairs staff is the smallest of any similar agency in this part of the country, but the quality of work rendered is excellent. We have extremely capable and dedicated persons in the Department of Veterans Affairs that work untiringly and conscientiously in an effort to give the veterans of South Carolina, their dependents and survivors prompt and efficient service.

As of this publication, South Carolina has 354,000 veterans as follows:

Total No. of Veterans in South Carolina.....	354,000
World War I.....	3,000
World War II.....	121,000
Korean Conflict.....	55,000
Vietnam War.....	123,000
Service between Korea and Vietnam.....	35,000
Post Vietnam War.....	17,000

THERE HAS NEVER BEEN A BONUS AUTHORIZED TO ANY VETERANS BY THE STATE OF SOUTH CAROLINA DUE TO THE LACK OF FUNDS FOR THIS PURPOSE AND NO SUCH BONUS IS ENVISIONED FOR THE FUTURE.

—END—